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If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

The *Saeima*<sup>1</sup> has adopted and  
the President has proclaimed the following Law:

## **Marine Environment Protection and Management Law**

### **Chapter I General Provisions**

#### **Section 1. Terms Used in This Law**

The following terms are used in this Law:

1) **ecosystem approach** - comprehensive, scientifically substantiated and integrated approach to management of human activity to identify adverse impacts on the marine ecosystem and perform efficient measures for reduction of such impacts preserving integrity and sustainability of the ecosystem;

2) **marine ecosystem** - a dynamic complex of marine plants, animals and communities of micro-organisms and their habitat in the sea interacting as a functional unit;

3) **marine waters of Latvia, as well as natural marine resources, the seabed and the subsoil (hereinafter also – the sea)** - waters of the Baltic Sea, natural marine resources, the seabed and subsoil in the territory which in accordance with the national and international legislation is under the jurisdiction of Latvia, namely, internal marine waters, territorial sea and exclusive economic zone of Latvia;

4) **maritime spatial planning** - a long-term process for development planning aimed at protection of marine environment, rational use of the sea and integrated management, as well as balancing the social welfare and economic development with the environmental protection requirements;

5) **use of the sea** - use of the sea for need of public persons and private individuals, also in economic activity, including performing polluting activities which may affect the marine environmental status;

6) **marine environmental status** - overall state of the marine environment which is determined, taking into account the structure, function of the marine ecosystem and processes occurring in the sea or outside it, natural physiogeographic, biological, geological and climatic factors, as well as physical, acoustic and chemical conditions, including those resulting from human activities;

7) **marine pollution** – such direct or indirect pollution with substances or energy resulting from human activity, also underwater marine noise caused by a human being, which is discharged into the marine environment and which has or may have a harmful impact on living resources and marine ecosystems resulting in the loss of biological diversity, threats to human health, interference with the activities of maritime sectors, including fishing and tourism, recreation and other lawful types of marine use, as well as in decrease in the quality

<sup>1</sup> The Parliament of the Republic of Latvia

of the use and recreational value of marine waters or interference with sustainable use of the sea.

[12 June 2014]

## **Section 2. Purpose and Scope of Application of This Law**

(1) The purpose of this Law is to ensure the protection and management of the marine environment of Latvia in order to:

- 1) achieve and preserve good marine environmental status;
- 2) facilitate sustainable use of the sea and marine ecosystem;
- 3) promote integration of the environmental protection requirements and measures necessary for achievement of good marine environmental status in the policy planning documents and laws and regulations of those fields which affect marine environment;
- 4) facilitate achievement of the objectives of marine environment protection and preservation and sustainable use of marine resources laid down in the international agreements binding on Latvia.

(2) This Law determines:

- 1) the continental shelf and exclusive economic zone of Latvia, as well as sovereign rights and jurisdiction in the continental shelf and exclusive economic zone thereof, taking into account the provisions of the international agreements;
- 2) procedures by which Latvia shall co-operate with other countries in the Baltic Sea region, i.e., in the region the boundaries of which are determined in Article 1 of the Convention on the Protection of the Marine Environment of the Baltic Sea Area (hereinafter – Helsinki Convention), in the drawing up and implementation of the marine strategy;
- 3) procedures by which the marine strategy shall be drawn up and implemented, taking into account ecosystem approach and general environmental protection principles, as well as possible transboundary impact on the marine environmental status in the Baltic Sea region;
- 4) the rights and obligations of the sea users.

(3) This Law shall not be applied for the activities which are performed in the sea within the framework of the state defence or state security safeguarding. Such activities shall be performed in the sea taking into account the purpose of this Law as possible.

## **Section 3. The Continental Shelf and the Exclusive Economic Zone of Latvia**

(1) The continental shelf of Latvia (hereinafter – the continental shelf) is the seabed and the subsoil in submarine areas which are natural prolongation of the land territory of Latvia, are located immediately beyond the boundaries of the territorial sea and extend to the boundaries determined in Paragraph three of this Section.

(2) The exclusive economic zone of Latvia (hereinafter – exclusive economic zone) is the territory of the Baltic Sea which is located immediately beyond the territorial sea boundaries and which extends to the boundaries determined in Paragraph three of this Section.

(3) The boundaries of the continental shelf and of the exclusive economic zone of Latvia with the Republic of Estonia, the Republic of Lithuania and the Kingdom of Sweden shall conform to the international agreements entered into by Latvia with the Republic of Estonia, the Republic of Lithuania and the Kingdom of Sweden.

(4) Latvia has sovereign rights to explore the continental shelf and use the natural resources thereof in accordance with the requirements of this Law and other laws and regulations. The natural resources of the continental shelf are the property of Latvia.

(5) In the exclusive economic zone Latvia has:

- 1) sovereign rights to explore, protect, use and manage the natural resources of the exclusive economic zone located in the seabed, in the subsoil and waters thereof, and manage

the use of such resources, as well as to perform other actions necessary for exploration and use of the exclusive economic zone, including to produce wave, current and wind energy;

2) exclusive rights to construct and establish artificial islands, structures and installations necessary for exploration, extraction of natural resources and for other actions, as well as to supervise construction, establishment and use of such artificial islands, structures and installations;

3) exclusive jurisdiction in respect of protection and preservation of the marine environment, marine scientific research, construction, establishment and use of artificial islands, as well as structures and installations;

4) other rights provided for in this Law and the United Nations Convention on the Law of the Sea of 1982.

(6) The constructed and established artificial islands, structures and installations, the installed cables, pipelines and the operation of such, as well as customs, fiscal, health protection, external and internal security and immigration provisions on the continental shelf and in the exclusive economic zone shall be under the jurisdiction of Latvia.

(7) Latvia, in exercising its rights and fulfilling its obligations in the exclusive economic zone, shall take into account the rights and obligations of other states provided for by the United Nations Convention on the Law of the Sea of 1982, as well as the requirements of other international agreements binding on Latvia.

(8) Latvia may allow a public person or private individual to perform activities on the continental shelf or in the exclusive economic zone in accordance with this Law or special laws which govern extraction of natural resources and performance of other activities in the marine waters of Latvia, by issuing a permit or licence appropriate for the relevant type of activity.

## **Chapter II Regional Co-operation**

### **Section 4. General Provisions for Regional Co-operation**

(1) Latvia shall co-operate with European Union Member States and, if possible, with other states having jurisdiction over the marine waters of the Baltic Sea region, in order to:

1) facilitate coherent and co-ordinated drawing up and implementation of marine strategy in the entire Baltic Sea region;

2) co-ordinate assessment methods of the marine environmental status, determination of marine environment targets and indicators related thereto, as well as monitoring programme of the marine environment, thus facilitating co-ordinated use of monitoring methods and comparability of the monitoring results in the entire Baltic Sea region;

3) promote co-ordinated drawing up and introduction of the Programme of Measures for Achievement of Good Marine Environmental Status (hereinafter – Programme of Measures) in the Baltic Sea region.

(2) If it is necessary for the achievement of the objectives laid down in this Law, Latvia shall co-operate with the states in the catchment area of the Baltic Sea region, including land-locked countries.

### **Section 5. Co-operation within the Framework of International Organisations and Regional Co-operation Institutions**

(1) Regional co-operation shall take place within the framework of the Baltic Marine Environment Protection Commission (*HELCOM*) and other regional co-operation institutions, also with countries other than European Union Member States.

(2) The Ministry of Environmental Protection and Regional Development and other competent authorities shall ensure the participation of Latvia in the co-operation occurring within the framework of international organisations and regional co-operation institutions in the field of marine environment protection and use of the sea and, if the measures provided for in the European Union or other international development planning documents may significantly affect the marine environment of Latvia, including marine protected areas, shall address the referred-to organisations and institutions in order that the decisions on measures necessary for preservation or restoration of marine ecosystem are taken.

*[16 December 2010]*

## **Section 6. Co-operation outside International Organisations and Regional Co-operation Institutions**

(1) Regional co-operation, if necessary, shall take place outside international organisations and regional co-operation institutions in conformity with intergovernmental co-operation agreements regarding environmental protection.

(2) In performing co-ordinated drawing up of marine strategy and taking into account transboundary impact, the Ministry of Environmental Protection and Regional Development shall co-operate with the competent authorities of the countries:

- 1) with which Latvia has a joint sea border;
- 2) other than European Union Member States including the states in the catchment area of the Baltic Sea region, including land-locked countries, in order to assess and prevent transboundary pollution in conformity with intergovernmental co-operation agreements regarding environmental protection.

*[16 December 2010]*

## **Chapter III**

### **General Provisions for Drawing up and Implementation of Marine Strategy**

#### **Section 7. Preparation of the Marine Strategy**

(1) The marine strategy is a comprehensive aggregate of systematic measures which is drawn up and implemented in order to:

- 1) achieve good marine environmental status in the Baltic sea region in accordance with the procedures laid down in this Law and other laws and regulations;
- 2) protect and preserve marine environment and prevent deterioration of the marine environmental status or, where practicable, restore marine ecosystem in areas where it has been adversely affected;
- 3) prevent or reduce pollution of the sea, to ensure that the pollution does not significantly affect or endanger marine biodiversity, marine ecosystem, human health or legitimate use of the sea.

(2) The marine strategy shall be drawn up in the following order:

- 1) an initial assessment of the marine environmental status of the waters shall be performed including impact assessment of human activities and transboundary pollution on the marine environment;
- 2) good marine environmental status shall be defined;
- 3) marine environment targets and indicators related thereto shall be determined;
- 4) monitoring programme of the marine environment shall be drawn up;
- 5) Programme of Measures for Achievement of Good Marine Environmental Status shall be drawn up.

(3) The Marine Environment Council (hereinafter – Council) shall be established for co-ordination of drawing up and implementation of the marine strategy. Representatives of State

administration institutions, local governments, as well as associations and foundations shall be included in the composition of the Council. The Cabinet shall approve the composition and by-law of the Council, the Minister for Environmental Protection and Regional Development – the personnel.

*[16 December 2010]*

## **Section 8. Assessment of the Marine Environmental Status**

(1) Latvian Institute of Aquatic Ecology shall perform initial assessment of the marine environmental status (hereinafter – marine assessment) on the basis of data, information and studies at the disposal thereof, including studies regarding impact of climate change on the marine ecosystem. The marine environmental status shall be characterised and socio-economic analysis of use of the sea, as well as geospatial information and thematic maps, shall be included in the marine assessment.

(2) In performing marine assessment, the following shall be taken into account:

1) the requirements of the Water Management Law and other laws and regulations in respect of coastal, transitional and territorial waters; and

2) the newest scientific conclusions and assessment methods, assessments and studies which have been included in the management plans of river basin districts drawn up in accordance with the Water Management Law, European Union legislation in the fields of environment, fishery, maritime and other fields related to protection of marine environment and the use of the sea, as well as with international agreements, including assessments drawn up jointly for the Baltic Sea region within the framework of the Baltic Marine Environment Protection Commission (*HELCOM*).

(3) The content and type of the information to be included in the marine assessment shall be determined by the Cabinet.

(4) The marine assessment shall be approved by the Minister for Environmental Protection and Regional Development.

(5) The marine assessment shall be reviewed and, if necessary, updated at least once in a six-year period.

*[16 December 2010]*

## **Section 9. Good Marine Environmental Status**

(1) Good marine environmental status is such a status where ecological diversity and dynamics, cleanness, healthiness and productivity of the sea within the conditions intrinsic to the relevant sea is ensured, and the use of the marine environment is at the level that is sustainable, thus safeguarding the potential for uses of the marine waters by current and future generations. The following features indicate on good marine environmental status:

1) the structure, functions and processes of the constituent marine ecosystem, together with the associated physiogeographic, geological and climatic factors, allow such ecosystem to function fully and to maintain its resilience to human-induced environmental change. Marine species and habitats are protected, human-induced decline of biodiversity is prevented and diverse biological components function in balance;

2) hydro-morphological, physical and chemical properties of the marine ecosystem, including those properties which result from human activities in the sea, ensure the processes referred to in Clause 1 of this Paragraph, and inputs of substances and energy (including noise) into the marine environment do not cause pollution effects.

(2) The qualitative descriptors of good marine environmental status, as well as the list of features, pressures and impacts characterising marine environmental status, shall be determined by the Cabinet.

(3) On the basis of the results of the marine assessment referred to in Section 8 of this Law, the Latvian Institute of Aquatic Ecology shall draw up and the Minister for Environmental Protection and Regional Development shall approve the criteria of good marine environmental status which shall be co-ordinated in the Marine Environment Protection Commission (*HELCOM*). Criteria – distinctive technical features, also those expressed in figures, that are closely linked to the qualitative descriptors referred to in Paragraph two of this Section, shall be determined taking into account:

1) physical and chemical properties, types of habitats, biological features and hydro-morphology of the sea;

2) human-induced pressures or impacts in the Baltic Sea region.

(4) The Latvian Institute of Aquatic Ecology shall, at least once in a six-year period, review criteria of good marine environmental status and, if necessary, prepare recommendations for adjustment thereof in accordance with the criteria co-ordinated in the Baltic Sea region.

(5) Good marine environmental status shall be achieved by 2020.

*[16 December 2010]*

## **Section 10. Marine Environment Targets**

(1) The Latvian Institute of Aquatic Ecology shall, on the basis of the results of the marine assessment, draw up and, taking into account provisions of Section 4 of this Law, co-ordinate in respect of the Baltic Sea region, but the Minister for Environmental Protection and Regional Development shall approve marine environment targets, that are qualitative or quantitative characterisation of the desirable status of the components, as well as of pressures and impacts on the sea, of the marine ecosystem, and set of indicators related to these targets. In determining marine environment targets and indicators related thereto, the following shall be taken into account:

1) environmental targets determined for the waters of the Baltic Sea region in accordance with the legal acts of the European Union and international agreements binding on Latvia, including Helsinki Convention;

2) transboundary impacts and transboundary features;

3) environmental quality objectives laid down for coastal and transitional waters in accordance with the Water Management Law.

(2) The Latvian Institute of Aquatic Ecology shall draw up the marine environment targets and indicators related thereto so as they are comparable with the relevant targets and indicators determined in the entire Baltic Sea region and so as it would be possible to assess the progress achieved towards good marine environmental status.

(3) The Latvian Institute of Aquatic Ecology shall, at least once in a six-year period, review marine environment targets co-operating with the competent authorities of the Baltic Sea region countries and, if necessary, prepare recommendations for updating thereof.

(4) Marine environment targets shall be achieved by implementing the Programme of Measures.

(5) The requirements in respect of drawing up of marine environment targets and indicators related thereto shall be determined by the Cabinet.

*[16 December 2010]*

## **Section 11. Monitoring Programme of Marine Environment**

(1) The Latvian Institute of Aquatic Ecology shall, on the basis of the marine assessment and in accordance with the marine environment targets determined in Section 10 of this Law, as well as taking into account the indicative list of features, pressures and impacts characterising the marine environment status referred to in Section 9, Paragraph two of this Law and the transboundary impact, draw up and the Minister for Environmental Protection and Regional

Development shall approve the monitoring programme of the marine environment. The monitoring programme shall be drawn up and implemented in accordance with the requirements of the Environmental Protection Law.

(2) The monitoring programme of the marine environment shall be drawn up in order to ensure generation, accumulation and analysis of comprehensive information, as well as to:

1) assess marine environmental status on the regular basis and the trends of such status, as well as of characteristic features thereof;

2) in reviewing the marine environment targets referred to in Section 10 of this Law, determine suitable indicators for them;

3) determine significant changes and potential changes of the marine environmental status, reasons thereof and possible improvement measures for achieving or restoration of good marine environmental status;

4) assess the efficiency of implemented improvement measures and Programme of Measures, as well as social and economic impacts;

5) obtain information regarding contaminants in fish caught in commercial fishing areas and used for human consumption.

(3) In drawing up the monitoring programme of the marine environment, the Water Management Law, the laws and regulations regarding protection of nature and resources thereof, as well as legal norms of the European Union and international legal norms binding on Latvia in the field of environmental protection, preservation of marine natural resources and maritime shall be taken into account.

(4) The Ministry of Environmental Protection and Regional Development shall, at least once in a six-year period, review the monitoring programme of the marine environment co-operating with the competent authorities of the Baltic Sea region countries and, if necessary, update it.

(5) The implementation of the monitoring programme of the marine environment shall be co-ordinated and organised by the Latvian Institute of Aquatic Ecology in co-operation with the competent authorities of the relevant sector.

*[16 December 2010; 12 June 2014]*

## **Chapter IV**

### **Programme of Measures for Achieving Good Marine Environmental Status**

#### **Section 12. General Provisions for Drawing up of the Programme of Measures**

The Ministry of Environmental Protection and Regional Development shall, on the basis of the marine assessment and marine environment targets, draw up the Programme of Measures in order to achieve and maintain good marine environmental status.

*[16 December 2010]*

#### **Section 13. Requirements for the Programme of Measures**

(1) The Programme of Measures shall include the measures which will be performed in order to fulfil the requirements of the legal acts of the European Union and Latvia or international agreements regarding:

1) reduction of pollution of surface waters caused by municipal waste water, hazardous and priority substances and water management;

2) integrated pollution prevention and control;

3) reduction of pollution of priority fish waters and bathing waters and ensuring the quality thereof;

4) flood risk prevention and management;

- 5) protection of water and soil from pollution with nitrates caused by agricultural activity;
- 6) protection of specially protected nature territories, species and biotopes;
- 7) protection and preservation of fish resources;
- 8) reduction of the impact of climate change and adaptation to climate change;
- 9) reduction of emissions of air polluting substances;
- 10) protection of marine environment in the field of maritime activity and maritime safety;
- 11) prevention of the impact of incidental marine pollution (also emergencies) and reduction of damage caused to marine ecosystem as a result of accidents.

(2) In drawing up the Programme of Measures, the impact of envisaged measures on social and economic environment shall be assessed and in addition to the measures referred to in Paragraph one of this Section at least the following management measures related to the use of the sea shall also be included:

- 1) management measures of the use of the sea, including:
  - a) maritime spatial planning and other measures in order to regulate human activity and impact in time and space in a certain part of the marine ecosystem;
  - b) control measures for fulfilment of the requirements of this Law and other laws and regulations;
  - c) measures which ensure co-ordinated and coherent use of the sea;
- 2) measures facilitating economic interest in achievement of good marine environmental status;
- 3) measures necessary in order to study the trends of changes of marine pollution;
- 4) risk reduction and marine ecosystem remediation measures;
- 5) public participation and information measures.

(3) In drawing up the Programme of Measures, the Baltic Sea Action Plan of the Baltic Marine Environment Protection Commission (*HELCOM*), as well as other action plans and programmes of measures drawn up jointly by the Baltic Sea region countries, shall be taken into account.

(4) The way of implementing the measures and the extent to which they will promote the achievement of the marine environment targets laid down in Section 10 of this Law shall be indicated in the Programme of Measures. The Ministry of Environmental Protection and Regional Development shall assess the efficiency of the measures envisaged in the Programme of Measures also by performing cost-benefit analysis in order to ensure that the planned measures are cost-effective and technically feasible.

(5) In order to assess the risk of possible transboundary pollution and threat and ensure favourable impact of the Programme of Measures on the Baltic Sea region waters, the Ministry of Environmental Protection and Regional Development shall perform the assessment of transboundary impact of those measures which are intended to be included in the Programme of Measures.

*[16 December 2010; 12 June 2014]*

#### **Section 14. Maritime Spatial Planning Measures for Marine Environment Protection**

(1) In order to promote sustainable use of the sea, ecosystem approach shall be applied in the maritime spatial planning process, the principles of the environmental protection and territorial development planning shall be observed, as well as the following shall be taken into account:

- 1) common principles for maritime spatial planning recommended by the European Commission and drawn up jointly by the Baltic Sea region countries;
- 2) information regarding marine environmental status and trends of changes thereof, including the marine assessment referred to in Section 8 of this Law;



3) specially protected nature territories in the coastal area, marine protected areas, as well as protection zones determined in accordance with laws and regulations, thus ensuring preservation of biodiversity and economic and recreational capacity of the marine ecosystem in the Baltic Sea region.

(2) Features characteristic to the relevant part of the marine ecosystem shall be observed in maritime spatial planning.

### **Section 15. Approval and Introduction of the Programme of Measures**

(1) The Programme of Measures shall be approved by the Cabinet and the implementation thereof shall be commenced not later than a year after approval.

(2) The Programme of Measures shall be introduced applying ecosystem approach, using achievements of scientific and technological developments, as well as adaptive management methods, in order to take the decisions which most efficiently would ensure achieving of good marine environmental status.

(2<sup>1</sup>) If according to the marine assessment the status of the sea is so critical that urgent action is required for improvement thereof, Latvia, in co-operation with other states of the Baltic Sea region and in conformity with the regional co-operation provisions referred to in this Law, may draw up the marine strategy referred to in Section 7, Paragraph two of this Law, providing for as early commencement of the Programme of Measures as possible, as well as stricter protection measures, provided that it does not hinder achievement or preservation of good marine environment status outside the Baltic Sea region.

(3) The Ministry of Environmental Protection and Regional Development shall, at least once within six years, review the Programme of Measures and, if necessary, update it.

[16 December 2010; 12 June 2014]

### **Section 16. Exceptions to Be Indicated in the Programme of Measures**

(1) Exceptional cases shall be laid down in the Programme of Measures, when even after implementation of the necessary measures the marine environment targets cannot be achieved or good marine environmental status cannot be fully achieved within the time schedule specified in this Law, if at least one of the following reasons exists:

1) action or inaction for which Latvia is not responsible;

2) natural causes, including natural disasters, accidents or circumstances caused by unfavourable climatic phenomena;

3) *force majeure*;

4) modifications or alterations to the physical characteristics of the sea brought about by actions taken for reasons of overriding public interest which outweigh the negative impact on the environment, including any transboundary impact.

(2) It shall be determined in the Programme of Measures, if it is impossible to improve marine environmental status because of natural conditions of the sea and marine environment targets cannot be achieved or good marine environmental status cannot be fully achieved within the time schedule laid down in this Law.

(3) Temporary measures to be taken in order to prevent further deterioration of the marine environmental status due to the circumstances referred to in Paragraph one, Clauses 2, 3 and 4 of this Section and mitigate the adverse impact thereof on the marine waters of the Baltic Sea region or of other countries, shall be included in the Programme of Measures. The measures to be taken in order to ensure that the modifications and alterations do not preclude or compromise the achievement of good marine environmental status of the marine waters of the Baltic Sea region or of other countries shall be included in the Programme of Measures in the cases referred to in Paragraph one, Clause 4 of this Section.

(4) The measures, which are not necessary because the marine environment is not significantly endangered or the costs of which are unjustifiably high in comparison to threat to the marine environment, shall not be included in the Programme of Measures, if the marine environment will not deteriorate in the future.

(5) The Ministry of Environmental Protection and Regional Development shall characterise in the Programme of Measures exceptional cases specified therein and submit to the European Commission a justification for application of exceptions and non-performance of the measures referred to in Paragraph four of this Section.

*[16 December 2010; 28 November 2013]*

## **Chapter V**

### **Public Participation and Information Thereof Regarding Drawing up and Implementation of the Marine Strategy**

#### **Section 17. Public Participation and Information**

(1) The Ministry of Environmental Protection and Regional Development and the Latvian Institute of Aquatic Ecology shall ensure the access to the information related to the drawing up and implementation of the marine strategy, as well as public participation in the drawing up and implementation of the marine strategy, and also the Programme of Measures, in accordance with the Environmental Protection Law and the laws and regulations regarding freedom of information and public participation in the development planning process.

(2) Summaries regarding the marine assessment, criteria of good marine environmental status, marine environment targets, as well as a report on implementation of the marine environment monitoring and the Programme of Measures after drawing up thereof shall be published by the Ministry of Environmental Protection and Regional Development and the Latvian Institute of Aquatic Ecology on the websites thereof.

(3) The Ministry of Environmental Protection and Regional Development and the Latvian Institute of Aquatic Ecology shall facilitate active involvement of the public in the drawing up, public hearing, reviewing and adjustment of the marine assessment, criteria of good marine environmental status, marine environment targets, as well as the marine environment monitoring and the Programme of Measures.

(4) The Ministry of Environmental Protection and Regional Development and the Latvian Institute of Aquatic Ecology shall provide the geospatial information included in the marine assessment and obtained in the course of the implementation of the marine environment monitoring programme to public persons and private individuals using the State united geospatial information portal in accordance with the laws and regulations regarding the availability of geospatial data sets and metadata thereof.

*[16 December 2010]*

#### **Section 18. Provision of Information to other Countries and the European Commission**

(1) The Ministry of Environmental Protection and Regional Development shall, within three months after approval and publication of the relevant documents, submit to the European Commission, the Baltic Marine Environment Protection Commission (*HELCOM*) and all European Union Member States in the Baltic Sea region:

- 1) the marine assessment referred to in Section 8 of this Law;
- 2) the criteria of good marine environmental status referred to in Section 9 of this Law;
- 3) the marine environment targets referred to in Section 10 of this Law;
- 4) the monitoring programme of the marine environment referred to in Section 11 of this Law;

- 5) the Programme of Measures referred to in Section 12 of this Law.
- (2) The Latvian Institute of Aquatic Ecology shall submit to the European Environment Agency the information included in the marine assessment and obtained in the course of implementation of the monitoring programme of the marine environment not later than six months after such information has become available.
- (3) The Ministry of Environmental Protection and Regional Development shall, within three years after publication of the Programme of Measures, submit to the European Commission an interim report on implementation of the Programme of Measures.
- (4) The holders of data necessary for marine environment protection shall provide to the European Commission the geospatial information taking into account the Commission Regulation (EU) No 268/2010 of 29 March 2010 implementing Directive 2007/2/EC of the European Parliament and of the Council as regards the access to spatial data sets and services of the Member State by Community institutions and bodies under harmonised conditions.
- (5) The information referred to in this Section which Latvia has provided to the European Commission shall be freely available for the public in accordance with Section 17 of this Law.
- [16 December 2010]*

## **Chapter VI**

### **Basic Provisions for Use of the Sea**

#### **Section 19. Rights of Public Persons and Private individuals to Use the Sea**

- (1) A public person and private individual (hereinafter – user of the sea) shall use the sea in accordance with the laws and regulations governing the relevant type of activity and this Law, taking into account the objectives thereof, environment protection principles, public interests, as well as maritime spatial planning.
- (2) A permit or licence shall be necessary for the following activities in the sea:
- 1) exploration of natural resources, except subterranean depths, including for the purpose of scientific research, as well as exploration of underwater cultural and historical heritage, ship wrecks and other sunken property in accordance with the laws and regulations regarding fishery and procedures for use of Latvian waters;
  - 2) use of subterranean depths in accordance with the laws and regulations regarding subterranean depths;
  - 3) fishing in accordance with the laws and regulations regarding fishery;
  - 4) construction, establishment of artificial islands, structures and installations, including platforms and installations necessary for energy production (hereinafter – structures), also exploration related thereto and operation of structures, except for construction of structures necessary for operation of ports, as well as establishment and maintenance of navigation means and systems, in accordance with the requirements of this Law and of laws and regulations governing construction;
  - 5) disposal of dredged soil, which is extracted during the cleaning and dredging activities, in the soil disposal sites in the sea in accordance with the laws and regulations regarding water management;
  - 6) construction of hydrotechnical structures necessary for operation of ports in accordance with the laws and regulations regarding construction;
  - 7) installation of sea cable lines of electronic communications networks, cable lines of electronic networks, submarine power cable lines and submarine pipelines, including gas, oil and petroleum product pipelines.
- (3) The Cabinet shall, prior to the issue of a permit or licence for use of the sea, determine a certain territory of the sea (hereinafter – permit or licence area in the sea) by the each time order for performance of the activities determined in Paragraph two, Clause 4 of this Section

taking into account the provisions of Section 14 of this Law. The right to use a permit or licence area in the sea shall obtain a person who has won a tender regarding the right to use the permit or licence area in the sea.

(3<sup>1</sup>) Before the Cabinet issues a permit or licence for use of the sea, it shall determine, by an order each time, the area of the permit or licence in the sea for the carrying out of the activities laid down in Paragraph two, Clause 7 of this Section, also taking into account the conditions of Section 14 of this Law. The referred-to order shall be prepared by the responsible ministry co-ordinating it from the point of view of maritime safety with the State stock company “Maritime Administration of Latvia” and on the basis of an application of a person.

(4) The Cabinet shall govern:

1) the procedures by which a permit or licence area in the sea referred to in Paragraph three of this Section shall be determined;

2) the procedures by which a tender regarding the right to use a permit or licence area in the sea shall be organised;

3) the procedures by which a permit or licence for use of permit or licence area in the sea for the actions referred to in Paragraph two, Clause 4 of this Section shall be issued, suspended or cancelled;

4) the requirements in respect of establishment, construction of structures in the sea and operation thereof, as well as the requirements in respect of destruction or disassembly thereof after complete termination of the activity.

(5) A user of the sea shall pay an annual State fee in the State basic budget for the use of a permit or licence area in the sea for performance of the activities referred to in Paragraph two, Clause 4 of this Law. The Cabinet shall determine the procedures for payment of the fee and amount thereof, as well as exemptions from payment of the fee.

(6) A permit or licence for the use of the specified permit or licence area in the sea shall be issued for a period of time not exceeding 30 years.

(7) None of the activities referred to in Paragraph two of this Section, also exploration, is prohibited in the sea, if a user of the sea or his or her authorised person performs it without a permit or licence issued by the competent authority of Latvia, and such activity shall be immediately interrupted, if the user of the sea or his or her authorised person fails to observe the provisions of the permit or licence or does not notify regarding changes in the planned activity or exploration programme.

(8) The State Environmental Service or issuer of a permit or licence shall, in co-operation with the National Armed Forces and the State Border Guard, control the use of the sea and marine environment protection in accordance with the laws and regulations regarding environmental protection, fishery, maritime administration and maritime safety, as well as border guard. The control of construction of the structures referred to in Paragraph two, Clauses 4 and 6 of this Section shall be performed in accordance with the laws and regulations regarding construction.

*[28 November 2013]*

## **Section 20. Obligations and Responsibility of a User of the Sea**

(1) A user of the sea shall have the following obligations:

1) not to allow pollution of the sea and activities which may negatively affect the marine environmental status;

2) to perform environmental impact assessment for the intended activity to be performed in the sea in accordance with the laws and regulations regarding environmental impact assessment;

3) to receive permits and licences provided for in laws and regulations for activities in the sea;

4) to perform measures in order to prevent threats of damage or damage to the marine environment in accordance with the Environmental Protection Law;

5) to observe the rights of other users of the sea and of other states in the Baltic Sea region, as well as the requirements of the United Nations Convention on the Law of the Sea of 1982, the Helsinki Convention, other international agreements binding on Latvia and other laws and regulations.

(2) In addition to the obligations referred to in Paragraph one of this Section a foreign ship performing scientific research works in the territorial sea, continental shelf and the exclusive economic zone of Latvia (hereinafter – foreign ship performing scientific research) has an obligation to receive a special permit of the State Environmental Service. The Ministry of Foreign Affairs shall forward the referred-to permit through diplomatic channels.

(3) The procedures by which a special permit for performance of scientific research works is issued for a ship of scientific research of a foreign state shall be determined by the Cabinet.

(4) A user of the sea shall be held liable for non-fulfilment of the obligations referred to in Paragraphs one and two of this Section in accordance with the procedures laid down in laws and regulations.

[28 November 2013]

### **Transitional Provisions**

1. With the coming into force of this Law, the Law On the Continental Shelf and the Exclusive Economic Zone of the Republic of Latvia (*Latvijas Republikas Augstākās Padomes un Valdības Ziņotājs*, 1993, No.7; *Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs*, 1998, No. 23) is repealed.

2. The Cabinet shall issue the regulations referred to in Section 8, Paragraph three, Section 9, Paragraph two and Section 10, Paragraph five of this Law by 30 December 2010.

3. The Cabinet shall issue the regulations referred to in Section 7, Paragraph three and Section 20, Paragraph three of this Law by 15 July 2011.

4. The Cabinet shall issue the regulations referred to in Section 19, Paragraphs four and five of this Law by 31 December 2013.

[28 November 2013]

5. The initial assessment of the marine environmental status referred to in Section 8, Paragraph one of this Law, the criteria of good marine environmental status referred to in Section 9, Paragraph three and the marine environment targets and indicators related thereto referred to in Section 10, Paragraph one shall be drawn up and approved not later than by 15 July 2012.

[28 November 2013]

6. The monitoring programme of the marine environment referred to in Section 11, Paragraph one of this Law shall be drawn up and approved by 30 December 2013. Such a programme shall be commenced to be implemented to full extent not later than on 1 January 2014.

7. The Programme of Measures referred to in Section 15, Paragraph one of this Law shall be drawn up and approved by the Cabinet not later than by 15 December 2015.

8. Until the day of coming into force of the maritime spatial planning referred to in Section 19, Paragraph one of this Law, if other laws and regulations do not lay down otherwise, the Cabinet shall take a decision on permissibility of the activities referred to in Section 19,

Paragraph two, Clause 4 and 7 of this Law in the relevant permit or licence area in the territorial sea, continental shelf and the exclusive economic zone of Latvia, taking into account the provisions of Section 14 of this Law.

[28 November 2013]

9. Permits which have been issued for performance of the activities referred to in Section 19, Paragraph two, Clause 4 of this Law until the day of coming into force of this Law shall be valid until the end of the term laid down in the permit.

10. Section 19, Paragraph five of this Law comes into force concurrently with the relevant amendments to the Law On Taxes and Fees.

### **Informative Reference to European Union Directive**

This Law contains legal norms arising from Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) (Text with EEA relevance).

This Law shall come into force on the day following the proclamation thereof.

This Law was adopted by the *Saeima* on 28 October 2010.

President

V. Zatlers

Rīga, 17 November 2010